



*California Environmental Protection Agency  
Department of Toxic Substances Control*

**HAZARDOUS WASTE FACILITY  
POST-CLOSURE PERMIT**

Permit Number: 04-SAC-02



Facility Name:

Kearney-KPF  
1624 East Alpine Ave.  
Stockton, CA 95205

Owner Name:

Alpine Builders, Inc.  
1624 East Alpine Ave.  
Stockton, CA 95205

Operator Name:

Kearney-National, Inc.  
565 Fifth Ave., Fourth Floor  
New York, N.Y. 10017

Facility EPA ID No.: CAD981429715

Effective Date: \_\_\_\_\_

Expiration Date: \_\_\_\_\_

Permit History:

First Post-closure Permit Issued March 2, 1992

Post-closure Permit Modification Issued Feb. 25, 1997

Pursuant to section 25200 of the California Health and Safety Code, this Resource Conservation and Recovery Act (RCRA) equivalent Hazardous Waste Facility Post-closure Permit is hereby issued to Kearney National, Inc. Issuance of this Permit, which consists of 13 pages, is subject to all terms and conditions set forth herein.

\_\_\_\_\_  
James M. Pappas, P.E., Chief  
Northern California Permitting and  
Corrective Action Branch  
Hazardous Waste Management Program

Date: \_\_\_\_\_

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## **PART I. DEFINITIONS**

All terms used in this Permit shall have the same meaning as those terms have in the California Health and Safety Code, division 20, chapter 6.5 and California Code of Regulations, title 22, division 4.5, unless expressly provided otherwise by this Permit.

1. "DTSC" as used in this Permit means the California Department of Toxic Substances Control.
2. "Permittee" as used in this Permit means the Owner and Operator.
3. "Cal. Code Regs." As used in this Permit means the California Code of Regulations.
4. "Approved Application" as used in this Permit means the Part A and Part B portions of the permit application described in Part III.1 of this Permit.
5. Unless explicitly stated otherwise, all references to items in this Permit shall refer only to items occurring within the same part.

## **PART II. DESCRIPTION OF THE FACILITY AND OWNERSHIP**

### **1. OWNER**

The facility owner is Alpine Builders, Inc., 1624 East Alpine Avenue, Stockton, California 95205 (hereafter "Owner").

### **2. OPERATOR**

The facility operator is Kearney-National, Inc., 565 Fifth Avenue, Fourth Floor, New York, New York 10017 (hereafter "Operator").

### **3. LOCATION**

The former Kearney-KPF facility is located at 1624 E. Alpine Avenue in Stockton, California (Facility). It comprises 12.6 acres and five buildings. These buildings consist of an office building, the former manufacturing plant, a warehouse, a foundry, and a galvanizing building. A small building was erected in 2002 to house the ultra-violet/oxidation (UV/OX) equipment associated with the groundwater treatment system.

The nearest surface water body is the Stockton Diverting Canal located approximately 3000 feet to the north. The Facility is located outside of the current 100-year floodplain. As of April 2002 the Facility is located within the 500-year floodplain. Land to the north of the Facility is agricultural with three residences. Warehouses occupy the land to the east of the Facility. A foundry and a residence are located southeast of the Facility. The land south of the Facility is former agricultural land and is currently undeveloped. A restaurant, a municipal supply well, and several businesses are located west of the Facility.

### **4. DESCRIPTION**

Kearney-National, Inc. no longer owns the Facility. The current owner, Alpine Builders, Inc., rents space to various businesses. These businesses engage in trucking, equipment storage, auto repair, and construction.

Kearney-National, Inc. operates a groundwater extraction well field, groundwater treatment system, infiltration basin, and injection well at the Facility. The groundwater treatment system consists of an UV/OX unit, an air stripper, a liquid phase granular activated carbon bed, associated piping, transfer pump, blower, and controls. The carbon bed has been disconnected from the system with the approval of both the Regional Water Quality Control Board, Central Valley Region, and DTSC. The extraction and treatment system operates automatically and is monitored remotely by using the internet.

Prior to 1986 two topographic low spots were used for disposal of liquid wastes generated from manufacturing operations. Rinse waters and spent acid and caustic solutions were discharged to the ground south of the galvanizing building, "Pond 1". Silver plating rinse water containing some dissolved chlorinated solvents and metal was discharged to a shallow swale west of the manufacturing building, "Pond 2". Both former "ponds" were closed and an engineered clay cover was constructed after removal of soil that posed a potential leaching hazard to groundwater.

Additional waste disposal areas included a trash burning pit operated in the 1950's and 1960's (located in the vicinity of monitor well KI-3), an area along the east side of "Pond 2" where degreaser bottoms were placed on the soil and an area south of the foundry where foundry sand was spread on the soil surface. A drum storage area was located along the driveway between the galvanizing building and the manufacturing plant. These areas were also closed.

## 5. FACILITY SIZE AND TYPE FOR FEES

The Facility is categorized as a small post-closure facility for purposes of Health and Safety Code section 25205.19.

### **PART III. GENERAL CONDITIONS**

#### **1. PERMIT APPLICATION DOCUMENTS**

The Post-Closure Permit Renewal Application, Revision 3, March 2004, is hereby approved and made a part of this Permit by reference (hereafter "Approved Application").

#### **2. EFFECT OF PERMIT**

(a) The Permittee shall comply with the provisions of the Health and Safety Code and Cal. Code Regs., title 22, division 4.5. The issuance of this Permit by DTSC does not release the Permittee from any liability or duty imposed by federal or state statutes or regulations or local ordinances, except the obligation to obtain this Permit. The Permittee shall obtain the permits required by other governmental agencies, including but not limited to those that are required by the applicable land use planning, zoning, hazardous waste, air quality, water quality, and solid waste management laws for the construction and/or operation of the post-closure facility.

(b) The Permittee is permitted to operate, monitor and maintain the Facility in accordance with the conditions of this Permit and the Approved Application. Any treatment or storage of hazardous wastes not specifically authorized in this Permit or described in the Approved Application is strictly prohibited.

(c) Compliance with the terms of this Permit does not constitute a defense to any action brought under any other law governing protection of public health or the environment, including, but not limited to, one brought for any imminent and substantial endangerment to human health or the environment.

(d) DTSC's issuance of this Permit does not prevent DTSC from adopting or amending regulations that impose additional or more stringent requirements than those in existence at the time this Permit is issued and does not prevent the enforcement of these requirements against the Permittee. Failure to comply with any term or condition set forth in this Permit in the time or manner specified herein will subject the Permittee to possible enforcement action including but not limited to penalties pursuant to Health and Safety Code section 25187.

(e) In addition, failure to submit any information required in connection with this Permit, or falsification and/or misrepresentation of any submitted information, is grounds for revocation of this Permit (Cal. Code Regs., title 22, section 66270.43).

(f) In case of conflicts between the Approved Application and this Permit, the Permit conditions take precedence.

(g) This Permit includes and incorporates by reference any waste discharge requirements issued to the Facility by the State Water Resources Control Board or the California Regional Water Quality Control

Board, Central Valley Region, and any conditions imposed pursuant to section 13227 of the Water Code.

### 3. COMPLIANCE WITH CALIFORNIA ENVIRONMENTAL QUALITY ACT

A Notice of Exemption has been prepared in accordance with the requirements of Public Resources Code section 21000 et seq. and the California Environmental Quality Act Guidelines, which are codified in title Cal. Code Regs., title 14, section 15070 et seq.

### 4. ENVIRONMENTAL MONITORING

The Permittee shall conduct environmental monitoring in accordance with the Approved Application.

(a) For the purpose of Cal. Code Regs., title 22, section 66264.91(b), the elements of the Groundwater Monitoring and Response Program for the Facility are described in Section 2 of the DTSC-approved Sampling and Analysis Plan (SAP), which is contained in the Approved Application.

(b) For the purpose of Cal. Code Regs., title 22, section 66264.92, the Water Quality Protection Standard for the Facility is described in Table 1 of the approved SAP.

(c) For the purpose of Cal. Code Regs., title 22, section 66264.93, the Constituents of Concern for the Facility are described in Table 4 of the approved SAP.

(d) For the purpose of Cal. Code Regs., title 22, section 66264.94, the Concentration Limits for the Facility are described in Table 1 of the approved SAP. Such Concentration Limits may vary over time in accordance with statistical and other procedures set forth in the approved SAP.

(e) For the purpose of Cal. Code Regs., title 22, section 66264.95, the Monitoring Points and Points of Compliance at the Facility are described in Section B-1.1 and Figure B-1D of the Post-Closure Permit Renewal Application, Revision 1, Volume 1, (Part A, Part B [Text Table, and Figures]), July 15, 2003.

(f) For the purpose of Cal. Code Regs., title 22, section 66264.96, the Compliance Period at the Facility is described in Section E-1.1 (Groundwater Monitoring Assumptions), Volume 1 of the Approved Application.

(g) For the purpose of title 22, Cal. Code Regs., title 22, section 66270.31, the monitoring, recording, and reporting program for the Facility is described in Section 13 of the approved SAP.

### 5. CONDITIONS APPLICABLE TO ALL PERMITS

The provisions of Cal. Code Regs., title 22, section 66270.30, Conditions Applicable to All Permits, is incorporated into this Permit by this reference.

April 2, 2004

## 6. MODIFICATIONS

(a) The Permittee must request and obtain a permit modification to revise any portion of this Permit. To request such a revision, the Permittee must comply with the procedures for permit modifications set forth in Cal. Code Regs., title 22, section 66270.42.

(b) If at any time DTSC determines that modification of any part of this Permit is necessary, DTSC may initiate a modification in accordance with the procedures in title Code Regs., title 22, section 66270.41.

## 7. LAND USE COVENANT

Within 180 days of the effective date of this Permit, the Permittee shall enter into a Land Use Covenant with DTSC and shall have the Land Use Covenant recorded with the San Joaquin County Recorder's Office pursuant to Cal. Code Regs., title 22, section 67391.1. The primary purpose of the Land Use Covenant is to prohibit interference with the post closure care activities, including the operation and maintenance of the groundwater extraction and treatment system.

(a) In order to implement and enforce the Land Use Covenant entered into between the Permittee and DTSC, the Permittee will provide DTSC and its representatives access at all reasonable times to the Facility for the purposes of conducting inspections, monitoring and other activities to ensure that the terms, conditions and restrictions of the Land Use Covenant are fully complied with.

(b) DTSC will inspect the Facility annually or as needed and will prepare an inspection report documenting the implementation of and compliance with the terms, conditions and restrictions of the Land Use Covenant.

(c) The Permittee will reimburse DTSC for DTSC's costs incurred in implementing and enforcing the Land Use Covenant, including costs incurred in conducting inspections, preparing inspection reports, and reviewing any Soil Management Plan or Health and Safety Plan as may be required by the Land Use Covenant. All payments shall be made within 30 days of the date of the billing statement by check payable to the Department of Toxic Substances Control and shall be sent to: Accounting Unit, Department of Toxic Substances Control, P. O. Box 806, Sacramento, California 95812-0806. All checks shall reference the name and address of the Facility. Copies of all checks and letters transmitting such checks shall be sent simultaneously to: Branch Chief, Northern California Permitting and Corrective Action Branch, Department of Toxic Substances Control, 8800 Cal Center Drive, Sacramento, California 95826-3200. If the Permittee fails to make any payment as provided above, the Permittee agrees to pay interest at the rate established pursuant to Health and Safety Code section 25360.1 and to pay all costs incurred by DTSC in pursuing collection including attorney's fees.



**PART IV. PERMITTED UNIT AND ACTIVITIES.**

This Permit authorizes the Permittee to conduct post-closure care activities for the closed surface impoundment. The closed surface impoundment is shown on Attachment B as Pond 2A and Pond 2B. The post-closure care activities include the operation and maintenance of the groundwater extraction and treatment system. For the purposes of the Permit, the groundwater extraction and treatment system includes the UV/OX unit, air stripper, all extraction and injection wells, pipes, pumps, tanks, control systems, and the infiltration basin that is related to the extraction, treatment, and injection of groundwater at the Facility.

## **PART V. CORRECTIVE ACTION**

The Permittee shall conduct corrective action pursuant to Health and Safety Code section 25200.10.

### **1. ONGOING CORRECTIVE ACTION**

The Permittee has been conducting corrective action to address the hazardous waste contamination in the groundwater including groundwater extraction, volatile organic carbon (VOC) and 1,4-dioxane destruction by ultraviolet light/oxidation, additional VOC removal by air stripping, and treatment of water discharge and infiltration by using infiltration basin and injection well.

- (a) Within 180 days from the effective date of this Permit, the Permittee shall submit a work plan for the installation of the additional Point of Compliance monitoring wells outlined in Section B-1.1 and Figure B-1D of the Approved Application to DTSC.
- (b) Within one year from the effective date of this Permit, the Permittee shall submit a workplan for evaluating remediation alternatives for the shallow groundwater bearing zone. If DTSC determines that corrective action is necessary for the shallow groundwater bearing zone, such corrective action shall be carried out under either a Corrective Action Consent Agreement between the Permittee and DTSC or an Enforcement Order for Corrective Action issued by DTSC pursuant to Health and Safety Code section 25187.
- (c) All Point of Compliance wells used to demonstrate that corrective action objectives have been completed must be in operation for at least two years prior to making such demonstration to DTSC.
- (d) The Permittee shall submit a statistical evaluation plan for DTSC's review and approval at least 180 days prior to making any demonstration to DTSC that corrective action objectives have been completed at the Facility.

### **2. POTENTIAL OR IMMEDIATE THREATS/NEWLY IDENTIFIED RELEASES/ NEWLY IDENTIFIED SWMUs**

(a) In the event the Permittee identifies an immediate or potential threat to human health and/or the environment, discovers new releases of hazardous waste and/or hazardous constituents, or discovers new Solid Waste Management Units (SWMUs) not previously identified, the Permittee shall notify DTSC orally within 24 hours of discovery and notify DTSC in writing within ten (10) days of such discovery summarizing the findings including the immediacy and magnitude of any potential threat to human health and/or the environment. Newly identified hazardous constituents discovered during routine groundwater sampling shall be reported in accordance the reporting provisions of the approved SAP.

(b) DTSC may require the Permittee to investigate, mitigate and/or take other applicable action to address any immediate or potential threats to human health and/or the environment, SWMUs, or newly

identified releases of hazardous waste and/or hazardous constituents. Any required corrective action shall be carried out under either a Corrective Action Consent Agreement or an Enforcement Order for Corrective Action pursuant to Health and Safety Code section 25187.

### 3. SAMPLING AND ACCESS

#### (a) Sampling

(1) The Permittee shall provide confirmatory samples to DTSC within the time requested by DTSC to determine if there is a threat to human health and/or the environment. The sampling shall be done in accordance with guidance provided to the Permittee by DTSC.

(2) The Permittee shall notify DTSC in writing at least fourteen (14) days prior to beginning any confirmatory sampling requested by DTSC. If the Permittee believes it must commence emergency confirmatory sampling without delay, the Permittee may seek emergency telephone authorization from DTSC's Northern California Permitting and Corrective Action Branch Chief or, if unavailable, his/her designee to commence such activities immediately. At the request of DTSC, the Permittee shall provide or allow DTSC or its authorized representative to take split or duplicate samples of all samples collected by the Permittee pursuant to this Permit.

(3) The Permittee shall submit to DTSC upon request the results of all sampling and/or tests or other data generated by its employees, divisions, agents, consultants or contractors pursuant to this Permit.

(4) Notwithstanding any other provisions of this Permit, DTSC retains all information gathering and inspection authority including enforcement actions related thereto, under Health and Safety Code and any other applicable state or federal statutes or regulations.

#### (b) Access

(1) DTSC, its contractors, employees, agents, and/or any U.S. EPA representatives are authorized to enter and freely move about the Facility pursuant to the Permit for the purposes of: interviewing Facility personnel and contractors; inspecting records, operating logs, and contracts relating to the Facility; reviewing progress of the Permittee in carrying out the terms of this Permit; conducting such tests, sampling, or monitoring as DTSC deems necessary; using a camera, sound recording, or other documentary-type equipment; verifying the reports and data submitted to DTSC by the Permittee; or confirming any other aspect of compliance with this Permit and applicable laws and regulations. The Permittee shall provide DTSC and its representatives access at all reasonable times to the Facility and any other property to which access is required for implementation of any provision of this Permit and any applicable statutory or regulatory requirement and shall allow such persons to inspect and copy all records, files, photographs, documents, including all sampling and monitoring data, that pertain to work undertaken pursuant to this Permit or undertake any other activity necessary to determine compliance with applicable requirements. DTSC acknowledges that the Facility is not manned 24-hours a day. DTSC will provide reasonable notice when requiring access to the Facility.

(2) To the extent that work being performed pursuant to this Permit must be done on property not owned or controlled by the Permittee, the Permittee shall use its best efforts to obtain access agreements necessary to complete work required by this Permit from the present owner(s) of such property within ninety (90) days of approval of any workplan for which access is required. "Best efforts" as used in this paragraph shall include, at a minimum, a certified letter from the Permittee to the present owner(s) of such property requesting access agreement(s) to allow the Permittee and DTSC and its authorized representatives access to such property and the payment of reasonable sums of money in consideration of granting access. The Permittee shall provide DTSC with a copy of any access agreement(s). In the event that agreements for the access are not obtained within ninety (90) days of approval of any workplan for which access is required, or of the date that the need for access becomes known to the Permittee, the Permittee shall notify DTSC in writing within fourteen (14) days thereafter regarding both efforts undertaken to obtain access and its failure to obtain such agreements. In the event DTSC obtains access, the Permittee shall undertake approved work on such property.

(3) Nothing in this Permit shall be construed to limit or otherwise affect the Permittee's liability and obligation to perform corrective action including corrective action beyond the facility boundary, notwithstanding the lack of access. DTSC may determine that additional on-site measures must be taken to address releases beyond the Facility boundary if access to off-site areas cannot be obtained.

(4) Nothing in this Permit shall limit or otherwise affect DTSC's right to access and entry pursuant to any applicable state or federal laws and regulations

**PART VI. ATTACHMENTS**

Attachment A.....Location Map

Attachment B.....Site Topo 1990